

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) Case No. 8:93CR119
Plaintiff,)
vs.) ORDER
JORGE ALDACO,)
Defendant.)

This matter is before the court upon receipt of a letter from the defendant in this case. Defendant contends he is attempting to file a motion pursuant to 28 U.S.C. § 2255, and he alleges that his attorney in this case has not yet forwarded his case files and records. Defendant asks for an extension of time to file his § 2255 motion.

In order to preserve defendant's time for filing a § 2255 motion, the court will order the Clerk of Court to file his letter dated January 30th, 2009 [2008]. The court will further order the Clerk of Court to send all appropriate § 2255 paperwork to the defendant. The defendant shall comply with filing his application pursuant to § 2255 in a timely manner. Further, the court will order the attorney of record to supply the defendant with those documents needed to file his § 2255 motion.

THEREFORE, IT IS ORDERED:

1. The Clerk of Court shall file defendant's letter dated January 30, 2009 [2008] as a motion pursuant to 28 U.S.C. § 2255.
2. The Clerk of Court shall also provide defendant with all necessary paperwork to effectuate filing a § 2255 motion.
3. The defendant shall file the appropriate § 2255 paperwork provided to him by the

Clerk of Court within sixty days of the date of this order and such filings shall relate back to his January 30th, 2009 [2008] letter.

4. Counsel of record shall supply the defendant with requested documents necessary to effectuate the filing of the § 2255 action.

5. The Clerk of Court shall electronically serve a copy of this order on defendant's counsel of record and shall mail a copy to the defendant at the address listed on the January 30th, 2009 [2008] letter filed herein.

DATED this 5th day of February, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge